

AMENDED
APPLICATION FOR PERMIT

Serial No. 9797

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office SEP -5 1934
Returned to applicant for correction MAY 14 1935
Corrected application filed JUL 10 1935

The undersigned Frank McGregor Name of applicant
of Ogden, County of Weaver,
State of Utah, hereby make s application for
permission to appropriate the public waters of the State of Nevada, as
hereinafter stated. (If applicant is a corporation, give date and place
of incorporation.)

1. The source of the proposed appropriation is Big Ben Creek
Name of stream, lake, or other source

2. The amount of water applied for is 500 acre ~~second~~ feet.
One-second-foot equals 40 miners' inches

3. The water to be used for mining purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T. 45 N., R. 56 E., M.D.M., at 1224 feet N. 77° 36'
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
W., from the East $\frac{1}{4}$ corner of said section.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is _____

(b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should

be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is _____ horsepower.
Dam at point of diversion, reservoir in NW $\frac{1}{4}$

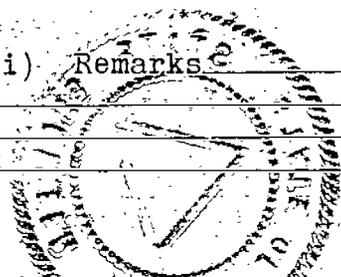
(e) Works to be located of Sec. 36, T. 45 N., R. 55 E., M.D.M., use on parts
of Secs. 7, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, T. 44 N., R. 55 E., M.D.M.

(f) Point of return of water to stream along Penrod and Gold Creeks
Describe in same manner as point of diversion.
below last point of use, which will vary as ground is worked.

(g) State number and kinds of animals to be watered _____

(h) Use will begin about Jan. 1 and end about Dec. 31, of each year.
Month Month

(i) Remarks _____



DESCRIPTION OF PROPOSED WORKS

Water is to be diverted by means of a dam, conducted through ditch

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

to reservoir and thence through ditches and/or draws to the placer

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions

ground to be worked.

5. Estimated cost of works \$1,000.00

6. Estimated time required to construct works 12 months.

7. Remarks Works are constructed but need repair.

For use of applicant

Frank McGregor, Applicant.

By C. F. DeArmond

Compared H. B. C. T.

This sheet inspected

Protested September 23, 1935 by W. W. Whitaker, Engineer.

PROTESTED Aug. 17, 1935, by H. Moffat Co., c/o H. U. Castle, Elko, Nevada.

Protested Sept. 14, 1935 by Harold Wm. Merritt and Fred Foss, Jr.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and

conditions: This permit to appropriate and store any surplus or unappropriated waters of Big Ben Creek and Tributaries is granted subject to all vested rights and all prior rights for storage on the source and particularly subject to that stipulation appearing on Page 13 of the transcript of proceedings of a hearing March 31, 1936, at Elko, Nevada, on applications 9742-9796 and 9797. The state reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 500

acre feet per second

Actual construction work shall begin on or before November 1, 1936

Proof of commencement of work shall be filed before December 1, 1936

Work must be prosecuted with reasonable diligence and be completed on or before November 1, 1938

Proof of completion of work shall be filed before December 1, 1938

Application of water to beneficial use shall be made on or before

November 1, 1939. Proof of the application of water to beneficial

use must be filed with State Engineer on or before December 1, 1939

Map Filed July 12, 1935 under 9796

WITNESS MY HAND AND SEAL this 30th day

Proof of commencement of work filed JAN 22 1937

Proof of completion of work filed DEC 1 1938 JAN 22 1943 April 1936

Proof of Beneficial use filed JAN 22 1943

Map filed September 28 1943 for 500 acre feet (law) Dec 31

Certificate No. 2758 Issued December 20, 1943 for mining

Recorded December 27, 1943 Page 303

Elko County Records

Alfred Ernest Smith State Engineer

